



## FISCAL MEMORANDUM

### HB 1130 - SB 1419

March 22, 2023

**SUMMARY OF BILL AS AMENDED (006444):** Decreases the list of factors that a local board of education may use when determining student assignment to a public school, and requires a local board of education to consider and base its decision on one or more of the following factors: 1) if the student has been suspended or expelled; 2) the attendance record of the student; 3) available capacity in the school; 4) the choice and interests of the student; and 5) the request or consent of the student's parent or legal guardian. Authorizes a student's parent or legal guardian to appeal a board of education's enrollment or assignment decision for the student to the Commissioner of the Department of Education (DOE). Requires the State Board of Education (SBE) to establish and appeals process.

### FISCAL IMPACT OF BILL AS AMENDED:

**Other Fiscal Impact – Changing the factors that may be considered when determining student assignment to a public school may result in a shift in student enrollment across the state and an increase in state expenditures to hear appeals. However, due to multiple unknown factors, the timing and extent of any such impacts cannot be reasonably determined.**

#### Assumption:

- The proposed legislation would require local boards of education to make assignment and enrollment decisions based on one or more of the following: if the student has been suspended or expelled, the attendance record of the student, available capacity in the school, the student's choice, and the request of the parents.
- The proposed legislation further removes all other considerations for student placement pursuant to Tenn. Code Ann. § 49-6-3103, including a student's place of residence or the adequacy of the pupil's academic preparation for admission to a particular school and curriculum.
- The proposed legislation will result in students being able to more freely attend the school of their choice. An LEA will only be able to prevent a student from attending the student's choice because of available space and teaching capacity.
- The proposed legislation will effectively eliminate magnet schools across Tennessee as the student's academic preparation or scholastic aptitude and relative intelligence may no longer be considered by an LEA when placing a student in a school.

- The proposed legislation does not place timing restrictions on enrollment requests and does not allow a local board of education to make decisions based on any other concerns.
- Granting any parent an enrollment or assignment request at any time, and without limitation, would increase administrative burdens of a local board of education.
- Current law establishes that student enrollment decisions by a local board of education are final. Because the proposed legislation removes that authority and authorizes a parent or legal guardian to appeal any enrollment decisions, it is projected that appeals across the state will significantly increase, thereby increasing state expenditures.
- The SBE will be required to establish an appeal process for the Commissioner of DOE and will be able to do so during the normal course of business.
- Due to multiple unknown factors, a precise fiscal impact cannot be reasonably be determined.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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